

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

CAROL MATTINGLY,)	
)	
Plaintiff,)	
)	Cause No.
v.)	
)	Division No.
AMERICAN FAMILY)	
INSURANCE COMPANY)	
)	
Serve: Director of Insurance)	
301 West High Street, Suite 630)	
Jefferson City, MO 65102)	
)	
Defendant.)	

PETITION

COMES NOW Plaintiff, for their Petition against Defendant AMERICAN FAMILY INSURANCE COMPANY, states as follows:

1. At the time of the subject incident the Plaintiff, CAROL MATTINGLY, (hereinafter "Plaintiff"), was a resident of Missouri.
2. Defendant American Family Insurance (hereinafter "Defendant") is a company in good standing doing business in the State of Missouri with the capacity to sue and be sued. Defendant maintains an agent in St. Louis City, Missouri for the transaction of usual and customary business.
3. On June 8, 2019 Plaintiff was driving on Highway 64 near the Caseyville Exit.
4. A suburban with an unknown driver (hereinafter "UM DRIVER") was towing another truck, lost control of their vehicle veering into Plaintiff's lane and violating her right of way, forcing her to crash into the center median.

5. Said collision and Plaintiff's resulting injuries were directly and proximately caused by the carelessness and negligence of UM DRIVER in one or more of the following respects:

- a. UM DRIVER did not yield;
- b. UM DRIVER failed to keep and maintain a careful lookout for other vehicles, property and persons on the roadway;
- c. UM Driver did not operate his vehicle in a safe manner;
- d. UM Driver did not maintain his lane of traffic.
- e. UM driver was not properly equipped or trained to two another vehicle;

6. As a direct and proximate result of one or more of the foregoing acts of negligence, Plaintiff was caused to suffer injuries.

7. Plaintiff has in the past and will in the future endure medical debt, pain and suffering, mental and emotional anguish, loss of enjoyment of life and lost wages.

COUNT I – UNINSURED MOTORIST CLAIM

8. Plaintiff hereby incorporates paragraphs 1 through 7 above as if fully set forth herein

9. At all times relevant to this action, there was in full force and effect a policy of insurance covering Plaintiff for uninsured motorist coverage which Defendant had sold to Plaintiff, policy # 410355376993 which provided uninsured motorist coverage to Plaintiff.

10. Under the uninsured motorist coverage provisions of the aforesaid policy, Defendant must pay its insured all sums to which he/she/they are legally entitled to recover for damages as a result of actions of the owners or operators of uninsured motor vehicles, as that term is used and defined in the insurance policy and Missouri law.

11. At the time of the collision, UM DRIVER was not covered by a policy of liability insurance. As such, the UM DRIVER identified herein was an uninsured motorist as that term is used and defined in the policy of insurance sold by Defendant and covering Plaintiff as identified above.

12. Plaintiff is an insured under the terms of the policy of insurance issued by Defendant and has complied with all conditions precedent under the terms of the insurance policy in order to recover uninsured motorist benefits.

13. Plaintiff has made a demand that Defendant pay an amount within the limits of the uninsured motorist coverage afforded by the policy of insurance issued by Defendant, but Defendant has failed and refused to make payment as required by the policy, thereby breaching the contract.

WHEREFORE, Plaintiff requests this Court enter judgment against Defendant American Family Insurance, in an amount in excess of \$25,000.00, for his costs herein incurred and for such other and further relief as the Court deems just and reasonable under the circumstances.

COUNT II - VEXATIOUS REFUSAL

14. Plaintiff incorporates paragraphs 1 through 13 as though fully set forth herein.

15. Defendant's refusal to pay Plaintiff the benefits she is entitled to receive under the aforementioned policy of insurance is without reasonable cause or excuse.

16. Defendant only offered \$10,839.00, a fraction of Plaintiff's medical debt and takes zero consideration for Plaintiff's past and future pain and suffering.

17. As such, Plaintiff also makes a claim for an additional amount as a penalty not to exceed twenty percent of the first \$1,500.00 of the award on the policy not including interest and 10% of the remainder of such award and an award to Plaintiff of a reasonable sum for attorney's fees pursuant to Mo. Rev. Stat. § 375.420.

WHEREFORE, Plaintiff prays for a judgment against Defendant for an additional amount as a penalty not to exceed twenty percent of the first \$1,500.00 of the award on the policy not including interest and ten percent of the remainder of such award and for an award to Plaintiff a reasonable sum for attorney's fees, for Plaintiff's costs incurred and expended herein, and for such other and further relief deemed appropriate under the circumstances.

Respectfully submitted:

A handwritten signature in black ink that reads "Ben Sansone". The signature is fluid and cursive, with the first name "Ben" and last name "Sansone" clearly distinguishable.

Ben Sansone, #53852
SANSONE & LAUBER
7777 Bonhomme Ave
Suite 2100
Clayton, Missouri 63105
(314) 863-0500
(314) 677-3530 FAX
Ben@MissouriLawyers.com

ATTORNEY FOR PLAINTIFF



Judge or Division: MICHAEL FRANCIS STELZER	Case Number: 2122-CC00664	
Plaintiff/Petitioner: CAROL MATTINGLY	Plaintiff's/Petitioner's Attorney/Address BENJAMIN JOSEPH SANSONE 7777 BONHOMME SUITE 2000 SAINT LOUIS, MO 63105	
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Vehicular		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **AMERICAN FAMILY INSURANCE COMPANY**

Alias:

DIRECTOR OF INSURANCE
301 WEST HIGH STREET SUITE 630
JEFFERSON CITY, MO 65102

COLE COUNTY, MO

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

April 7, 2021

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).

☐ other: _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

State of Missouri

Department of Commerce and Insurance



TO: Corporate Secretary (or United States Manager or Last Appointed General Agent) of

AMERICAN FAMILY INSURANCE COMPANY
CSC LAWYERS INCORPORATING SERVICE COMPANY
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101

RE: Court: St. Louis City Circuit Court, Case Number: 2122-CC00664

You will take notice that original process in the suit against you, a copy of which is attached hereto and sent to you by certified mail, was duly served upon you at Jefferson City, Missouri, by serving the same on the Director of the Department of Commerce and Insurance of the state of Missouri, Dated at Jefferson City, Missouri this Thursday, April 15, 2021.

Chloria Lindley Rogers

Director of Commerce and Insurance

AFFIDAVIT

State of Missouri,

ss.

County of Cole,

The undersigned Director of the Department of Commerce and Insurance or the Director's designated agent hereby makes oath and certifies the original of the above notice to the above addressee was mailed at the United States Post Office in Jefferson City, Missouri on April 15, 2021 by first class certified mail prepaid as provided by section 375.906.5, RSMo. and Supreme Court Rule 54.15

Director, Department of Commerce and Insurance

By: *[Signature]*

ENTERED
MAY 14 2021
LK

Subscribed and sworn to before me this 15th day of April, 2021
Kathryn Latimer

Notary Public

My commission expires:



KATHRYN LATIMER
My Commission Expires
March 4, 2024
Cole County
Commission #12418395




IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL FRANCIS STELZER	Case Number: 2122-CC00664	RECEIVED APR 14 2021 COLE COUNTY SHERIFF'S OFFICE (Date File Stamp)
Plaintiff/Petitioner: CAROL MATTINGLY	Plaintiff's/Petitioner's Attorney/Address BENJAMIN JOSEPH SANSONE 7777 BONHOMME SUITE 2000 SAINT LOUIS, MO 63105	
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Vehicular		

Summons in Civil Case

The State of Missouri to: AMERICAN FAMILY INSURANCE COMPANY
Alias: _____
COLE COUNTY, MO

DIRECTOR OF INSURANCE
 301 WEST HIGH STREET SUITE 630
 JEFFERSON CITY, MO 65102
COURT SEAL OF


CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

April 7, 2021 _____
 Date Clerk

Further Information: _____

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: Deborah Lee (name) Designee (title).

☐ other: _____

Served at 301 W High St (address)
 in Cole (County/City of St. Louis), MO, on 4/15/21 (date) at 9:51am (time).

Sheriff John P Wheeler By Deputy Sheriff #48
 Printed Name of Sheriff or Server Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal) My commission expires: _____ Date _____ Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ <u>10.00</u>
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

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2122-CC00664 - CAROL MATTINGLY V AMERICAN FAMILY INSURANCE COMPAN (E-CASE)

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Document ID - 21-SMCC-2234; Served To - AMERICAN FAMILY INSURANCE COMPANY; Server - ; Served Date - 15-APR-21; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served

04/26/2021 ☐ [Filing:](#)

LETTER FROM DEPARTMENT OF COMMERCE AND INSURANCE

04/21/2021 ☐ [Jury Trial Scheduled](#)

Scheduled For: 10/04/2021; 9:00 AM ; MICHAEL FRANCIS STELZER; City of St. Louis

04/07/2021 ☐ [Summons Issued-Circuit](#)

Document ID: 21-SMCC-2234, for AMERICAN FAMILY INSURANCE COMPANY.

☐ [Filing Info Sheet eFiling](#)

Filed By: BENJAMIN JOSEPH SANSONE

☐ [Pet Filed in Circuit Ct](#)

PETITION.

Filed By: BENJAMIN JOSEPH SANSONE

On Behalf Of: CAROL MATTINGLY

☐ [Judge Assigned](#)